

MISSOURI WELL INSTALLATION BOARD MEETING

November 7, 2011

Missouri Department of Natural Resources

Division of Geology and Land Survey

111 Fairgrounds Road

Rolla, Missouri

OPEN MINUTES

The regular meeting of the Well Installation Board was held on November 7, 2011, at the Division of Geology and Land Survey, Rolla, MO. A quorum being present, Mr. Robert Lawrence, Chairman, called the meeting to order at 10 a.m.

Board Members Present: Mr. Robert Lawrence, Chairman; Mr. Robert Broz, Mr. Danny Flynn, Mr. Joe Gillman, Ms. Sharlene Morgan, Ms. Annetta St. Clair

Board Member Participating Via Conference Call: At his request, Mr. Fred Schoen joined the meeting via conference call. Mr. Schoen joined the meeting after roll call was taken. Mr. Schoen did not vote during this meeting.

Board Members Absent: None

Legal Counsel Present: Mr. Don Willoh, Assistant Attorney General

Guests Present: Gary Troxell, Gerald Buechting, Buechting Drilling and Missouri Water Well Association (MWWA); Lindell Lindsey, A & M Pump and MWWA; Beth Marsala, MWWA; Kaley Erwin, Petroleum Storage Tank Insurance Fund (PSTIF); Larry Keeven, Keeven Heating and Cooling; Ron Keeven, Keeven Heating and Cooling; Tony Guerrant, Keeven Heating and Cooling; Richard Linebaugh, Hewett-Messenger Drill It Well, Brad Rayburn, Missouri Rural Water Association

DNR Staff Present: Mr. Jerry Prewett, Ms. Carey Bridges, Ms. Sheri Fry, Ms. Connie Edwards, Mr. Chris Thiltgen, Ms. Molly Starkey, Mr. Bruce Netzler, Ms. Hylan Beydler, Mr. Scott Kaden

INTRODUCTION

Mr. Lawrence welcomed everyone to the meeting and introduced himself. He asked the Board to introduce themselves, followed by staff and the audience.

MINUTES OF THE AUGUST 5, 2011, BOARD MEETING

The Chair asked if there were any corrections to the minutes from the August 5, 2011, meeting. Ms. Sharlene Morgan moved to accept the minutes. Mr. Danny Flynn seconded the motion. Motion carried.

PROGRAM UPDATE

The Chair recognized Mr. Jerry Prewett who discussed Wellhead Protection Section's work with legislation pertaining to non-community wells and how they are handled for charitable organizations. There is a potential rule change and staff is striving to find a definition of charitable organization.

Mr. Prewett welcomed the new Wellhead Protection Section chief, Ms. Carey Bridges. Ms. Bridges has been with the Department for twelve years and has a master's degree in geology.

Staff have been working with PSTIF on misplaced well issues at tank sites and reviewing the current monitoring well rules and statute to see how this issue fits and how to proceed. At this time, drillers will be asked to voluntarily submit a record to the department on misplaced wells at tank sites.

SECTION UPDATE

The Chair recognized Mr. Jerry Prewett who stated staff are currently working to fill vacancies within the section. There is one vacancy left to fill. Staff are also working on current rule changes.

FUND UPDATE

The Chair recognized Mr. Jerry Prewett who presented an update of the section's fund for the 1st quarter of FY-12 (July-September).

- *FY-12 Beginning balance \$310,850

- *Ending balance \$322,185

Mr. Prewett added that records received are still down but seem to be holding steady.

PERMIT APPEALS

The Chair recognized Ms. Sheri Fry presenting the case for Glen Kurtz who appealed the apprenticeship requirements. After discussion, Mr. Robert Broz made a motion to accept staff recommendation for Mr. Kurtz to be allowed to test for a non-restricted monitoring well permit, and the apprenticeship and financial responsibility requirements be waived. Mr. Danny Flynn seconded the motion. Motion carried.

Ms. Fry presented the case for Gary Conway who appealed the apprenticeship requirements. After discussion, Ms. Annetta St. Clair made a motion to accept staff recommendation for Mr. Conway to be allowed to test for a heat pump permit, and the apprenticeship and financial responsibility requirements be waived. Mr. Robert Broz seconded the motion. Motion carried.

APPEALS

The Chair recognized Mr. Jerry Prewett who presented the status of the Gary Troxell Order of Abandonment case. He stated that remediation efforts by the department and Mr. Troxell resulted in the well sampling below the maximum contaminant levels for drinking water standards as required by the Board in May. Mr. Robert Broz made a motion to accept staff recommendation to withdraw the Order of Abandonment issued to Mr. Troxell. Mr. Danny Flynn seconded the motion. Motion carried. Ms. Annetta St. Clair abstained from voting due to her relationship with Mr. Troxell. Mr. Troxell thanked the Board for allowing time for the well to be cleaned instead of continuing with the Order of Abandonment.

RULE UPDATE

The Chair recognized Ms. Sheri Fry who updated the Board on the status of the following proposed rule changes:

Disciplinary Action and Appeals – There is no new information on this rulemaking at this time; rulemaking is currently with department legal counsel for review.

Heat Pump Construction Rules – Mr. Jerry Prewett gave a presentation of staff's research requiring full length grouting of heat pump wells. The presentation demonstrated different conditions in which groundwater could be contaminated using the current grouting method using a series of five foot (5') plugs, along with an estimated cost increase of requiring full length grout. Mr. Prewett stated that the department's goal is to protect Missouri's groundwater and therefore, is recommending full length grout. After comments from staff along with discussion among the Board and audience, Ms. Annetta St. Clair made a motion to send the draft rulemaking back to staff to review further in light of discussion and table the issue until the February 20th meeting. Mr. Danny Flynn seconded the motion. Motion carried. Mr. Prewett asked for guidance on what the Board would like staff to consider for the next meeting, receiving none.

Apprentice Rule – The proposed rulemaking was published in the *Missouri Register* on October 17. A public hearing is scheduled for November 28th at the Division of Geology and Land Survey at 10:00 a.m. The public comment period will end on November 30th. Staff will respond to comments for presentation to the Board along with proposed revisions. Mr. Robert Broz made a motion to schedule a conference call board meeting on December 7, 2011, at 10:00 a.m. to vote on the final order of rulemaking. Mr. Danny Flynn seconded the motion. Motion carried.

ENFORCEMENT UPDATE

The Chair recognized Ms. Sheri Fry who gave an update on the 3rd quarter of 2011 (July – September)

- *18 permits not renewed
- *52 cases assigned
- *92 cases resolved
- *3 NOVs assigned

- *1 NOV resolved
- *2 referrals submitted
- *1 consent judgment issued

MISSOURI WATER WELL ASSOCIATION COMMENTS

The chair recognized Mr. Gerald Buechting who asked the intentions of the Wellhead Section in relation to starting the continuing education program. Mr. Buechting expressed his desire to see the continuing education program move forward.

Ms. Beth Marsala stated that on Public Drinking Water's website, a notice of a design guide changes meeting for public wells was posted. The board members asked Ms. Marsala to forward this information to Ms. Connie Edwards, board secretary, to be dispersed to the board members. Ms. Marsala consented.

OTHER BUSINESS

None

PUBLIC COMMENT AND CONCERNS

None

FUTURE MEETINGS

The Board approved holding an open session meeting on Friday, May 11, 2012, at 10:00 a.m., at the Department of Natural Resources, Division of Geology and Land Survey, annex conference room, Rolla, MO. The motion was made by Mr. Robert Broz and seconded by Ms. Annetta St. Clair. Motion carried with a unanimous voice vote.

Mr. Danny Flynn made a motion that the Well Installation Board meet in closed session at 9:30 a.m. at the next regular board meeting for the purpose of discussing matters protected from disclosure by law as provided for in Section 610.021, RSMo., including but not limited to: legal actions, pending litigation, and attorney-client privileged matters with the board attorney. The motion was seconded by Ms. Annetta St. Clair. A roll call vote was taken as follows: Mr. Broz, yes; Mr. Flynn, yes; Mr. Gillman, yes; Ms. Morgan, yes; Ms. St. Clair, yes; Mr. Lawrence, yes. Motion carried.

ADJOURNMENT

Ms. Annetta St. Clair moved that the meeting be adjourned. Mr. Danny Flynn seconded the motion. Motion carried. Meeting adjourned at 11:50 a.m.